HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION (St.)NO. 1624 OF 2005.
IN
FIRST APPEAL NO. 984 OF 2002.

Nashik Municipal Corp. ..Applicant.

Versus.

Shri. Rustom Burzor Joshi.
& Ors. ..Respondents.

Mr. R.V. More for the applicant.

Mr. K.K.Tated, AGP for respondent No.7.

Mr. A.J. Ahuja for the respondent Nos 1A to 1D, 2A to 2C & 4 to 6.

CORAM: S.B.MHASE &
D.B.BHOSALE, JJ.

DATE: JANUARY 25, 2005.

P.C.

. This application is presented across the bar.

2. Heard. This application is submitted by the respondent- Nasik Municipal Corporation to transpose them as the appellant along with the State of Maharashtra.

3. The land has been acquired for the benefit of the Nasik Municipal Corporation and after award under the Land Acquisition Act was passed, the respondent has preferred a reference. In the said reference proceedings,

the Nasik Municipal Corporation was not a party even though a notice was served on them. However, the State Government has filed this appeal on the instructions of the Nasik Municipal Corporation. Thereafter, the Nasik Municipal Corporation has filed an application to add it as a party respondent, which has been granted by this court. However since the acquisition is for the benefit of the Corporation, the enhanced compensation is to be paid by the Municipal Corporation. Mr. Tated, learned AGP has not seriously opposed such application. The respondent has no objection for transposing the applicant - Municipal Corporation as appellant in the present appeal. Therefore, we pass the following order.

O R D E R.

The application is allowed. Added respondent - Municipal Corporation is hereby transposed as appellant along with the State of Maharashtra. Civil application is accordingly disposed of.

(D.B.BHOSALE,J.) **(S.B.MHASE, J.)**

:srp/2005/